

**From:** The P3 Conference <info@thep3conference.com>  
**Sent:** Tuesday, February 12, 2019 3:30 PM  
**To:** Todd Wodraska  
**Subject:** New Keynote Speaker Announcements, Added Sessions, and More...



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**James Ray**, Special Advisor to the Secretary for Infrastructure, U.S. Department of Transportation

**Hon. Bill Shuster**, Former U.S. Representative & House Trans .and Infra. Committee Chairman

**Secretary Pete Rahn**, Transportation Secretary and Maryland Transportation Authority Chairman

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**From:** Thorn Run Partners <thornrun@thornrun.com>  
**Sent:** Tuesday, November 20, 2018 10:13 AM  
**To:** Todd Wodraska  
**Subject:** Today in Congress: Recess Edition (11/20)

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## Today in Congress: Recess Edition (11/20)

*Both chambers of Congress have left town for a brief Thanksgiving recess. The Senate will return to Washington on Monday, November 26th, while the House will reconvene on Tuesday, November 27th.*

*'Today in Congress' includes updates provided by the House and Senate majority leaders, as well information derived from publications including Bloomberg Government, The Hill, Politico, Roll Call, The Wall Street Journal, The New York Times, and Morning Consult.*

### The Wall Street Journal

#### Nancy Pelosi Works to Quell Dissent Within Her Party

WASHINGTON—California Rep. Nancy Pelosi worked to lock down support for her bid to retake the House speakership, although a letter Monday from more than a dozen Democrats seeking a younger, new voice as leader showed pockets of dissension haven't been quashed.

In recent days, Mrs. Pelosi has won endorsements from progressive groups, including MoveOn.org, and top members of the Congressional Black Caucus. Rep.-elect Alexandria Ocasio-Cortez of New York, a high-profile member of the incoming class, said Monday she backs Mrs. Pelosi because she is the "most progressive candidate" and that "all of the rebellion for the speakership are challenges to her right."

A preliminary vote on the speakership is scheduled for next week, when Democrats will endorse their candidate. Mrs. Pelosi, 78 years old, is running unopposed thus far.

Democrats will control at least 232 House seats after winning dozens in the midterms, which gives them a majority. Rep. John Yarmuth of Kentucky, the top Democrat on the Budget Committee, predicted that if Mrs. Pelosi "gets 190 votes, 200 votes, I think that's a pretty good indication" she could be speaker. If she garners significantly less than that in next week's caucus vote, "that would probably embolden those who want change."

Mrs. Pelosi served as speaker from 2007 to 2011, the Democrats' most-recent period of having a House majority.

A final vote will come in January, when the new Congress is sworn in. Mrs. Pelosi is seeking to become the first House speaker to regain the gavel after losing it since Democrat Sam Rayburn of Texas did so in 1953. Her detractors, who are all-but resigned to her winning in next week's caucus vote, are trying to block her path on the House floor in January.

The January vote will involve all House members, Democrats and Republicans alike, and Mrs. Pelosi will need a majority of those who vote for a candidate. If Democrats don't gain any more seats from the five undecided races, and all members vote for a

candidate, Mrs. Pelosi can lose as many as 15 Democrats and still win the 218 votes needed for a majority, assuming all Republicans vote against her. Lawmakers can vote “present,” instead, which would shrink the number of “yes” votes she needs.

The 16 Democrats who signed Monday’s opposition letter said it is time for the caucus to select a new leader. A dozen of them are incumbents and four would be new representatives, although one race, that of Ben McAdams in Utah, is uncalled.

The missive didn’t include several members-elect who said throughout the campaign that they wouldn’t support Mrs. Pelosi for a leadership position, including Jason Crow of Colorado, Abigail Spanberger of Virginia and Elissa Slotkin of Michigan. Those lawmakers have said since the election they plan to follow through on the promise. Rep. Conor Lamb of Pennsylvania, who has also vowed to vote against Mrs. Pelosi, is also not on the letter.

Detractors to Mrs. Pelosi generally don’t break with her on ideological grounds. Their argument is that the top tiers of the party leadership have served for too long.

Led by lawmakers including Reps. Seth Moulton of Massachusetts and Tim Ryan of Ohio, opponents to Mrs. Pelosi’s leadership have also said that Minority Whip Steny Hoyer of Maryland and Assistant Leader Jim Clyburn of South Carolina should step aside—though the letter only mentioned Mrs. Pelosi.

“We are thankful to Leader Pelosi for her years of service to our Country and to our Caucus,” the 16 Democrats wrote. “However, we also recognize that in this recent election, Democrats ran on and won on a message of change.”

Mrs. Pelosi, who has led her caucus for 16 years and was first elected to Congress in 1987, has been meeting with lawmakers and making calls to court votes since election night.

She has sometimes taken a defiant posture, telling any would-be challengers to “come on in, the water’s warm.” She has highlighted her work on the campaign trail, including helping to recruit and elect a record number of women to the House this year, and she reminds members that she orchestrated the 2010 passage of the Affordable Care Act, a signature achievement that Democrats turned into an asset in 2018 after it served as a drag in prior midterms.

Over the weekend, supporters tried to drum up support on Twitter using the hashtag #YesSheDid, referencing Mrs. Pelosi’s accomplishments. The hashtag #FiveWhiteGuys has been used by the leader’s supporters—a jab to the men trying to take her down.

“She’s not going to have a learning curve,” said Rep. Pramila Jayapal (D., Wash.), a member of the progressive caucus. “We have very little time. It’s not a two-year cycle. It’s a six-month cycle.”

Last week, a day after Rep. Marcia Fudge of Ohio said she may be interested in jumping in to the race for speaker, a meeting was brokered between her and Mrs. Pelosi by Rep. Elijah Cummings of Maryland, the top Democrat on the Oversight Committee. Mrs. Pelosi’s office also circulated endorsements from Reps. John Lewis of Georgia and Maxine Waters of California, who said “there is no one more qualified to lead our caucus.” Ms. Fudge, who didn’t sign the letter committing to oppose Mrs. Pelosi, left the meeting saying she was still undecided.

More than 30 Democratic-aligned groups, including labor’s AFL-CIO, the pro-gun-control group Moms Demand Action and abortion-rights backer Naral have issued their support for Mrs. Pelosi.

At least one Republican has said he is willing to vote for Mrs. Pelosi—Rep. Tom Reed of New York. His vote would be contingent on the Democratic leader agreeing to rules changes—like fast-tracking bipartisan bills—intended to ease some of the gridlock in Congress.

“I’m open to it,” he said of voting for Mrs. Pelosi. “It really does come with a commitment to change the House in a way that needs to be done to get it functioning again.”

## Washington Examiner

### Large bipartisan group of senators asks Trump administration for carve-outs to China tariffs

A bipartisan group of 30 senators has called on the Trump administration to allow carve-outs for businesses affected by the \$200 billion in tariffs the administration has put on Chinese imports.

“American manufacturers should have access to a tariff exemption process so they can continue to source components and materials from China, particularly where this is no alternate supplier,” the senators wrote in a letter Friday to U.S. Trade Representative



Robert Lighthizer. The signatories included Sens. Roy Blunt, R-Mo., James Inhofe, R-Okla., Dianne Feinstein, D-Calif., and Bill Nelson, D-Fla., among others.

President Trump has placed tariffs on \$250 billion worth of Chinese goods to date. The administration alleges that China engages in predatory practices, allowing the White House to retaliate under Section 301 of the U.S. Trade Act. Businesses that import items identified in first two rounds of tariffs, which cover \$16 billion and \$34 billion worth of goods respectively, can request an exemption if they can prove that the items cannot be obtained domestically. The decisions are made on a case-by-case basis. The White House has not allowed a similar process for the latest and largest round of tariffs, which covers \$200 billion worth of goods.

The lack of a similar process for the current round came as a shock for the business community, and getting exemptions is a matter of urgency for many. The tariffs on those China goods are just 10 percent currently but they will increase to 25 percent at the beginning of next year, meaning many businesses could see steep cost increases soon.

The precedent, too, is alarming for lawmakers and business groups. The White House has repeatedly indicated that it may hit an additional \$267 billion worth of Chinese goods with tariffs. That would be enough to cover all remaining imports coming into the US.

"Not only is the third tranche of section 301 tariffs more than four times the size of the first two lists combined, but it also contains a much higher percentage of consumer goods relative to intermediate and capital goods," the senators noted.

A spokesperson for the administration could not be reached for comment.

## The Wall Street Journal

### McConnell Controls Fate of Criminal-Justice Overhaul Bill

WASHINGTON—Senate Majority Leader Mitch McConnell (R, Ky.) has emerged as the final hurdle facing an overhaul of the criminal-justice system that last week picked up bipartisan support, including from President Trump.

The Senate's deal last week reignited prospects that the bill—which had stalled after passing the House in May—might slip through in the narrow period of the lame-duck Congress. But for that to happen, Mr. McConnell, who has long been skeptical of the bill, will have to agree to bring it to the floor.

So far, Mr. McConnell has been coy about its prospects, even with the backing of Mr. Trump and the president's son-in-law and senior adviser, Jared Kushner. The momentum behind the bill on Capitol Hill and the White House could open a new divide between Messrs. McConnell and Trump, just weeks after they worked together to widen the Senate majority in the midterm elections.

Congress is scheduled to be in session for just two more weeks in 2018 and should lawmakers wait until next year, the bill would have to be reintroduced and would face new and different demands in a Democratic-controlled House.

"This really does need to get done this year," Sen. Mike Lee (R., Utah) said in an interview. "Saying that we'll do it next year is tantamount to saying this just isn't going to get done."

In general, Mr. McConnell doesn't like voting on legislation that divides Senate Republicans, aides said. The criminal-justice bill has been controversial among Republicans for months, sparking a Twitter argument between Mr. Lee and Sen. Tom Cotton (R., Ark.), a vocal opponent, on Monday.

Mr. McConnell has also indicated he will be weighing whether other bills, including a new five-year farm bill still under negotiation, will take up more of this year's dwindling floor time.

But with Mr. Kushner working behind the scenes to boost GOP support for the bill, aides said it still has a shot at a vote.

"It is in the hands of Mitch McConnell and Paul Ryan," said Sen. Dick Durbin (D., Ill.), who has been working on the bill for years, referring to the two GOP leaders who control their chambers' agendas until year's end.

Sen. Cory Booker (D., N.J.), a possible 2020 presidential candidate who has opposed many of the president's cabinet nominees and other legislation, is pushing for this bill to pass, signing on after securing protections for juveniles in detention, though he said he didn't think the bill was perfect.

"I will not let perfect be the enemy of good when thousands of lives are in the balance," he said.

Although a wide cross-section of the Senate has endorsed the bill, it still has vocal critics—Sen. Cotton among them.

“Unfortunately, the new text of this legislation reveals that what started as a prison-reform effort has transformed into sentencing reductions and early release for dangerous, repeat felons, and I therefore cannot support this bill,” he said in a statement.

The bill is expected to give judges more discretion in crafting sentences, depending on the defendant’s criminal history, and could reduce mandatory minimum sentences for some drug-related offenses. However, some of the toughest sentencing was expanded to include all offenders convicted of a serious drug or violent felony, not just to offenders with prior drug felonies, as it is currently applied.

The bill also would seek to retroactively reduce some penalties affected by the disparity in crack- and powder-cocaine sentencing, which was narrowed in a 2010 law. And it would clarify that the practice of “stacking,” or creating a longer sentence from accumulated charges, wasn’t intended for some first-time offenders. Under its current application, first-time offenders in possession of a gun when committing a crime have racked up long sentences that were meant to target repeat offenders.

The bipartisan Senate deal expanded the scope of the bill that passed the House. That bill, from Reps. Doug Collins (R., Ga.) and Hakeem Jeffries (D., N.Y.), didn’t overhaul sentencing guidelines—a reflection of what was seen as feasible at the time. The bill passed by the House would allow some inmates to serve out the final stretch of their sentences in halfway houses or in home confinement, and would add new protections for pregnant and postpartum female prisoners, among other provisions.

The House lawmakers most involved in the criminal-justice overhaul were involved in the latest round of Senate negotiations. If the bill passes the Senate this year, lawmakers said the House is likely to take it up, rather than begin a new set of discussions to merge the two bills.

“We’ve been involved in these negotiations from day one,” Mr. Collins said in an interview.

Mr. Jeffries echoed Mr. Collins, saying the bill would receive “strong support in the House of Representatives among both Democrats and Republicans” if it passed the Senate and was brought to a vote in the House.

“The only question right now is whether McConnell will thwart the will of the majority of the United States Senate and deny the vote,” he said.

## Washington Examiner

### Democratic lawmakers join court fight against Trump's rollback of national monuments

Over 110 Democratic lawmakers filed court documents on Monday to join environmentalists' lawsuits opposing President Trump's rollback of the Obama administration's expansion of the Bears Ears and Grand Staircase-Escalante National Monuments in Utah.

Sen. Tom Udall, D-N.M., and Rep. Raul Grijalva, D-Ariz., led a bicameral group in submitting an amicus brief in support of five lawsuits pending before the federal District Court for the District of Columbia.

“By revoking protections for millions of acres of public lands, President Trump has overstepped the authority delegated to presidents by Congress, putting cherished national monuments like Bears Ears and Grand Staircase-Escalante on the chopping block in an egregious giveaway to big corporations,” Udall said in a statement.

The lawsuits are in response to Trump’s order from last December cutting the size of the national monuments by 85 percent. Former President Barack Obama had expanded the monuments, restricting development over an increasing swath of land.

The Democrats argue that the Constitution’s framework provides Congress with plenary control over all federal lands. The president only has the right to establish national monuments, but not rescind them.

Under the Antiquities Act, Trump cannot “abolish or diminish the size of existing monuments,” the lawmakers explain in their court brief.

These “monument reductions are illegal,” Grijalva said.

The case is a test of the nation's basic separation of powers, he added, that Republicans may feel very differently about if Trump wins "only to have a Democrat follow him in the White House."

Legal opposition to Trump's action is not limited to Democrats and liberal groups. Conservative groups also filed briefs with the court on Monday siding against Trump.

Conservatives for Responsible Stewardship, a 14,000-member national grassroots organization, filed a friend of the court brief that calls the Trump administration's monument rollback illegal.

"As conservatives, we are compelled to defend the plain language meaning of our nation's laws — and the U.S. Constitution," said David Jenkins, the group's president. "There is nothing conservative about ignoring the clear, unambiguous meaning of the Antiquities Act. By doing so, President Trump recklessly tramples all over constitutional separation of powers."

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**Sent:** Thursday, November 15, 2018 10:31 AM  
**To:** Todd Wodraska  
**Subject:** Today in Congress: House Democrats Wrestle With Pelosi Speakership Question

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## Today in Congress: House Democrats Wrestle With Pelosi Speakership Question

*Anti-Pelosi Democrats insist they have the votes to block her path to the speakership.*

House Democrats are bracing for a contentious battle over the speaker's gavel. House Minority Leader Nancy Pelosi (D-CA) — the presumed favorite for the speakership in the 116<sup>th</sup> Congress — is facing pushback from a host of incumbent and incoming Democrats who say they have the votes to block her path to victory. While both sides jostle for support behind the scenes, a potential challenger to Leader Pelosi has emerged in former Congressional Black Caucus chairwoman Rep. Marcia Fudge (D-OH) who indicated that she would be interested after other members encouraged her to run. The House Democratic caucus is expected to vote on its leadership slate on November 29, with a final vote on the House Floor in January after the new Congress gavel in.

Following the passage of Coast Guard reauthorization, the Senate has teed up a final roll call vote on the nomination of Michelle Bowman to be a member of the Board of Governors of the Federal Reserve. Senators will also vote on a motion to discharge a resolution of disapproval ([S.J.Res. 65](#)) — sponsored by Sen. Rand Paul (R-KY) — that would block the sale of offensive weapons to Bahrain. There are no votes scheduled in the House today.

*"Today in Congress" includes updates provided by the House and Senate majority leaders, as well information derived from publications including Bloomberg Government, The Hill, Politico, Roll Call, The Wall Street Journal, The New York Times, and Morning Consult.*

## The Wall Street Journal

### Fed Tracking World Growth Worries, Chairman Powell Says

DALLAS—Federal Reserve Chairman Jerome Powell said the central bank was closely monitoring a modest deceleration in global growth, whose strength last year had provided an important tailwind for the U.S. economy.

"This year has seen a gradual chipping away at that picture. You've seen a bit of a slowdown—not a terrible slowdown," Mr. Powell said Wednesday evening. "You still see solid growth, but you see growing signs of a bit of a slowdown. And it is concerning."

The global growth outlook was one of a number of challenges Mr. Powell flagged. He didn't say that any of them were strong or surprising enough right now to change the Fed's current policy path of gradually lifting rates, and he said he remains optimistic about the U.S. economy.

"I'm very happy about the state of the economy now," he said. "Our policy is part of the reason why our economy is in such a good place right now."

One risk is that U.S. economic growth could slow in coming years as recent fiscal stimulus from tax cuts and spending increases wears off, Mr. Powell said during a moderated discussion at the Dallas Fed with the reserve bank's president, Robert Kaplan.

A separate challenge is that U.S. growth continues to outpace the rest of the world, putting strains on some emerging-market economies that face headwinds from a stronger dollar.

"The U.S. economy is just really strong, and it is stronger than many other major economies right now," he said.

While Mr. Powell acknowledged the recent stock-market selloff could have an effect on financial conditions that slows growth, he did not suggest it had been enough for the Fed to change its policy plans.

Market conditions are "one of many factors" the Fed considers when deciding where to set interest rates, he said.

Officials voted unanimously in September to raise their benchmark rate to a range between 2% and 2.25%, and they held rates steady at their meeting last week. After the meeting, officials offered a mostly upbeat assessment of the U.S. economy, suggesting another rate increase is likely at their meeting next month.

In September, Fed officials penciled in plans to raise their benchmark short-term rate once more this year. Officials were split over whether to raise it two, three or four times next year. That would push the rate closer to 3%, which is where most officials expect it to settle over the long term—a so-called neutral rate that neither spurs nor slows growth.

Mr. Powell said Wednesday the main challenge facing the Fed now is to consider how much further and at what pace to raise rates. He said the central bank would evaluate "really carefully...how the markets and the economy and business contacts are reacting to our policy."

Investors were watching Mr. Powell's remarks carefully Wednesday after comments he made at his last public appearance, on Oct. 3, led some investors to believe the Fed might raise rates for longer than they had expected. This fueled worries, in turn, that the Fed might raise rates too much, causing a recession.

Last month, Mr. Powell played down the debate over whether the Fed would raise rates above neutral, saying the concern was premature. Rates are "a long way from neutral at this point, probably," he said during a moderated discussion in Washington. "We need interest rates to be gradually, very gradually, moving back toward normal."

Those comments came amid a raft of strong U.S. economic data. Together, they raised investors' expectations that the Fed favored more rate increases next year. Yields on the benchmark 10-year Treasury note briefly touched a seven-year high in early October. Bond yields rise when prices fall.

Even though the substance of Mr. Powell's October comment largely reflected many Fed officials' public projections, some commentators said his tone reflected greater conviction to raise rates, contributing to the bond-market selloff. Rising bond yields, in turn, sent the stock market on a wild ride last month.

Meanwhile, the unemployment rate held at 3.7% in October, a nearly half-century low, and average hourly wages rose 3.1% from a year earlier, the biggest year-to-year increase since 2009.

Most Fed officials subscribe to some version of a framework that posits wages and prices should rise as the unemployment rate falls below a so-called natural level consistent with stable inflation. Officials, including Mr. Powell, have been careful to note this relationship is weaker than it used to be and that their estimates of the natural rate of unemployment could be wrong.

Inflation will be central to determining how the Fed's policy path evolves. Inflation has been holding near the Fed's 2% target for most of this year after undershooting it for many years. The Fed views inflation around 2% as a sign of balanced supply and demand.

Mr. Powell said Wednesday he was optimistic the U.S. economy could sustain a higher growth rate, which could potentially allow for faster growth without a large increase in inflation. "You always want to be on the optimistic side of this economy," he said.



When asked about President Trump's recent criticism of Fed rate increases, Mr. Powell avoided any escalation. In an interview with The Wall Street Journal last month, Mr. Trump cited the Fed as the top risk facing the economy. He earlier described the Fed as crazy and out of control due to its plans to gradually lift rates despite few obvious signs of inflation.

"We have protections from political involvement," said Mr. Powell, citing legal safeguards that prevent the Fed's decisions from being reversed by the executive branch. Mr. Powell didn't mention Mr. Trump by name.

Mr. Powell also defended the principle of monetary-policy independence for central banks, citing the importance of credibly guarding against inflation by remaining free of politics.

"It enables us to serve the public better," he said. "Central banks, when they get too close to the government, incentives change."

## Politico

### The looming threat to Trump's booming economy

President Donald Trump, already in a grumpy post-midterm mood, faces a growing list of economic problems that could irritate him even more next year. Chief among them is a withdrawal from the economy's sugar high.

Fiscal stimulus from the GOP tax cuts is likely to start running out. The Federal Reserve is expected to keep bumping up interest rates. And few analysts expect a divided Congress — facing soaring deficits and with its eyes on 2020 — to join hands and pass a big infrastructure package or sweeping middle-class tax cuts to keep the fiscal juice flowing.

The collection of all these factors, coupled with jittery investors already worried about trade wars and a global slowdown, could deny Trump the kind of big economic growth numbers he loves to celebrate. And they could undercut one of the GOP's biggest current arguments: You may not love what Trump says or does, but the Trump economy is awesome.

"The first punch will be the lag effect of rising interest rates. Rates work slowly but they do work eventually," said Ian Shepherdson, chief U.S. economist at Pantheon Macroeconomics. "And the second will be that by 2020, without a further package from Congress, the stimulus will be done. You put all these together and it's a little like Wile E. Coyote running over the cliff. You look down and the ground you thought was under you suddenly isn't there anymore."

The White House is well aware of the risks. Senior administration officials believe the big corporate tax cut will unleash a wave of sustainable growth in business spending that will keep the good numbers rolling — from job gains to higher wages — and keep producing GDP reports in the 3 percent territory that Trump loves, rather than the 2s or 1s that many economists expect.

But a prolonged business spending boom is no certainty, and some signals — including the third-quarter GDP report — suggest that capital investment is already slowing. So the White House is deeply engaged in efforts to boost growth through executive action, especially in the energy sector, by speeding the permitting process for natural gas pipelines and boosting the American shipping industry.

They are not counting on a big infrastructure package or a deal on the kind of middle-class tax cut Trump promised at the end of the campaign.

"We've been noodling more on this middle-class tax cut, how to structure it, and even pay for it," National Economic Council Director Larry Kudlow said in a recent interview in his West Wing office. "I don't think the chances of that are very high, because the Democrats are going to go after the corporate tax and all that stuff."

Kudlow also was not enthusiastic about an agreement between the White House and Democrats, who will control the House of Representatives, on a deal in 2019 to spend significant federal money on infrastructure projects. "Anybody that thinks, you know, like this trillion-dollar [infrastructure spending] number, which is over 10 years — we don't have that," Kudlow said.

Kudlow said he still believed a "boom" in capital spending will continue in 2019 and 2020 and that he didn't worry about numbers like the recent GDP report showing capital spending nearly stalling out at 0.8 percent growth in the third quarter.

But while Trump's advisers remain bullish, many economists are now trimming their estimates for U.S. growth next year in part because of a reduction in the impact of the tax cuts and spending increases — more than \$2 trillion worth — approved by Congress and signed by the president last year.

"I expect fiscal policy will still be stimulative in 2019, but not as stimulative as in 2018," said Jim O'Sullivan, chief U.S. economist at High Frequency Economics. "In round numbers, fiscal stimulus is adding maybe three-quarters of a point to GDP growth in 2018, will add maybe half as much again in 2019 and be close to neutral in 2020."

Deutsche Bank estimates that fiscal policy will remain mildly positive in 2019 but turn into a drag of about 0.3 percent on the economy by 2020. "You should expect GDP growth to slow as we get into the second half of 2019 and in particular in 2020," said Torsten Slok, Deutsche's chief international economist.

The decline in fiscal stimulus will come as the Fed, much to Trump's displeasure, is likely to keep raising interest rates in 2019. The Fed is expected to hike again next month and several more times next year.

The central bank's main goal is to slow economic growth enough to prevent a surge in inflation as the labor market gets tighter. The Fed could pause its interest-rate hikes if the decline in fiscal stimulus from Congress kills economic growth entirely. But by the time it does so, the unemployment rate could be rising again.

"I'd be quite surprised if unemployment is still falling by 2020, so Trump is very likely to be running against a backdrop of rising unemployment," said Shepherdson. He added that it was unlikely that the Fed could "magically manage to stabilize everything and freeze it where it is now and make everyone happy forever more."

Ordinarily in such a scenario, Congress might step in and take stimulative measures to ensure that any slowdown is short-lived through higher spending and tax reductions. But a combination of political and fiscal factors makes this difficult, if not impossible.

On the political side, Democrats have limited incentive to cut a deal with Trump on an infrastructure spending package. And Republicans in Congress are growing increasingly alarmed by the ballooning size of the federal budget deficit, which hit \$779 billion in 2018 and is expected to top \$1 trillion in 2019. So when the Fed is tightening, Congress may be unable to push the other way.

"We poured a bunch of stimulus into the economy at precisely the time it didn't need it, and we are going to have to pay the price for that in the coming years," said Maya MacGuineas, president of the Committee for a Responsible Federal Budget. "When the economy turns down, and by all accounts it will, we are likely to need to continue further stimulus. But because we are at such a higher debt position relative to normal, it's going to be harder to borrow and do that."

Senate Majority Leader Mitch McConnell (R-Ky.) on Wednesday flatly rejected the idea of doing a big infrastructure deal with Democrats. "Republicans are not interested in a \$900 billion stimulus," he told reporters.

Instead of debates about further stimulus, Congress could wind up stuck in bitter fights over funding the government and raising the debt limit. That could start next month if Trump demands more funding for his border wall as a part of a year-end bill to avoid a partial government shutdown on Dec. 8. The debt limit goes back into force in March, though Congress will likely have until summer to raise it before flirting with default.

Concern over waning stimulus and rising rates has some of Trump's advisers, including Kudlow, scrambling to avoid a round of auto tariffs on Europe and a trade war with China next year. Those concerns helped turn October into the worst month for the stock market since 2011.

All of the potential economic headwinds have Kudlow and other White House advisers banking hard on the idea that businesses will plow their tax-cut money into new spending in 2019 and beyond. "This economic boom is great. I personally believe it's going to continue for quite some time," Kudlow said. "If we don't get the capital expenditures, I'll be wrong. But I think we will."

## The Wall Street Journal

### Trump Supports Changes to Criminal-Justice System

WASHINGTON—President Trump endorsed bipartisan criminal-justice overhaul efforts at a White House ceremony on Wednesday, throwing his support behind changes to U.S. sentencing laws that he said also would give federal inmates a second chance when they are released.

"Did I hear the word bipartisan?" he joked during a speech at the White House. "I'm thrilled to announce my support for this bipartisan bill that will make our communities safer and give former inmates a second chance at life after they have served their time—so important."

A new bill under discussion in the Senate is expected to give judges more discretion in crafting sentences in some cases and could reduce mandatory minimum sentences for some drug-related offenses.

The bill also would seek to reduce some penalties affected by the disparity in crack and cocaine sentencing, which was narrowed in a 2010 law. And it would clarify that the practice of “stacking,” or creating a longer sentence from accumulated charges, was not intended for some first-time offenders.

Among the aims of an overhaul, according to a White House official, is to save money with fewer prisoners and ultimately redirect those funds to help law-enforcement efforts.

In May, the House passed a bill from Reps. Doug Collins (R., Ga.) and Hakeem Jeffries (D., N.Y.) that didn’t overhaul sentencing guidelines. That bipartisan bill would allow some inmates to serve out the final stretch of their sentences in halfway houses or in home confinement, and would add new protections for pregnant and postpartum female prisoners, among other provisions.

Senate Majority Leader Mitch McConnell (R., Ky.) had been reluctant to bring the House bill up in the Senate, but on Wednesday signaled he would be willing to consider the emerging compromise coming from the Senate.

Mr. McConnell said GOP leaders would be assessing how much support the new deal has once it has been finalized and weighed against the Senate’s other must-pass legislation remaining this year.

Republican Sen. Tom Cotton of Arkansas is among a group of Republicans who have said they would vote against the bill. A White House official said that they “welcome his feedback, but he’s just one vote.”

The latest effort was spearheaded by Mr. Trump’s senior adviser and son-in-law, Jared Kushner, who has been working with lawmakers on the legislation.

“Our pledge to hire American includes those leaving prison and looking for a fresh start—new job, new life,” Mr. Trump said on Tuesday.

The White House said it supports new incentives for low-risk inmates to learn the skills they need to find employment, avoid old habits and follow the law when they are released from prison. The administration also said it supports placing inmates near their hometowns so they have family nearby to help support them, as well as changing sentencing rules to keep inmates believed to be dangerous off the streets.

“We are getting very much tougher on the truly bad criminals—which unfortunately there are many—but we are treating people differently for different crimes,” Mr. Trump said.

A number of Republican lawmakers were in attendance for Mr. Trump’s Roosevelt Room speech, including Sens. Chuck Grassley of Iowa, Tim Scott of South Carolina, and Rand Paul of Kentucky.

The announcement by Mr. Trump comes a week after he ousted Jeff Sessions as attorney general. Mr. Sessions was a longtime opponent of a criminal-justice overhaul, favoring strict enforcement of drug laws and mandatory minimum sentences. He undid an Obama era policy that aimed to show leniency to lower-level drug offenders, urging federal prosecutors to instead pursue the most serious charges in almost all cases.

A White House official said that it was “more coincidental” than anything else that the legislation was timed for after Mr. Sessions’ departure, though lawmakers believed his ouster eased the negotiations.

His successor, Acting Attorney General Matthew Whitaker, has indicated he may be more amenable to the proposed changes. A Justice Department spokeswoman didn’t immediately respond to requests for comment on the issue.

## The Hill

### Trump team plans to promote fossil fuels at UN climate event: report

The Trump administration plans to again promote fossil fuels at the annual U.N. climate talks next month, three sources told Reuters.

"Quite frankly, the U.S. is the only party to the convention that appears to be willing to push a rational discussion on the role of cleaner, more efficient fossil [fuels] and the role of civilian nuclear energy," a source involved in the planning of the event said, according to the news service.

President Trump's team intends to repeat the strategy they employed in 2017 in Germany, the sources added, where they highlighted the benefits of technologies that burn fossil fuels more efficiently.

The administration also plans to send State Department officials to continue negotiating the climate accord, Reuters reported.

"The White House seems to have taken the view that it's important to let technocrats complete the work of the rule book. It's in the U.S. national interest to be at the table and see an outcome that emphasizes transparency, holds countries accountable," said one of the sources.

The Hill was not able to reach The White House or State Department for immediate comment at the time of publication.

Climate activists and progressives condemned last year's fossil fuels event.

Since then, several Trump administration officials who supported keeping the U.S. in the Paris climate accords, though under different terms, have left.

Some of their replacements, such as top economic adviser Larry Kudlow and national security advisor John Bolton, oppose it.

The same is true for Secretary of State Mike Pompeo, who has been vocal about his opposition to the accords, Reuters reports.

Earlier this year, announced the withdrawal from the Paris agreement.

## **The Hill**

### **House Dems split on how to tackle climate change**

House Democrats are eager to elevate climate issues when they take over the House majority next year but are facing disagreement on how best to do so.

Lawmakers are split on how to handle the task of confronting climate change, an issue urgently highlighted in a recent United Nations panel report and largely supported by progressive voters.

The division is creating a split in ranks between likely House Speaker Nancy Pelosi (D-Calif.), who has suggested re-establishing a select committee to support the science behind climate change, and others who think the committee will either do too little or step on too many toes.

Pelosi's idea, which she started to push in October, would be similar to the House Select Committee on Energy Independence and Global Warming that ran from 2007 to 2011, when the Democrats last had control.

"I have recommended to my House Democratic colleagues that we reinstate the select committee to address the climate crisis," Pelosi said Tuesday as dozens of young activists occupied her office, demanding strong climate action.

"House Democrats ran on and won on our bold campaign for a \$1 trillion investment in our infrastructure that will make our communities more resilient to the climate crisis, while creating 16 million new good-paying jobs across the country."

The idea has generated support from some Democrats who are looking for any opportunity to bring climate change back to the forefront of the national dialogue.

"Trying to elevate that issue, to restore it to consideration on the national agenda, I think, is a good thing," said Rep. Gerry Connolly (D-Va.).

"I think it elevates the issue, and it desperately needs elevation, given the drought [in legislation] we've had over the last eight years with a Republican Congress and in the last two with Trump, where we actually have denial of science."

Rep. Jared Huffman (D-Calif.) said he understood objections from lawmakers, but nonetheless recognized a “coordinating” function for a special panel.

“We need to understand that climate is an issue that cuts across our arbitrary jurisdictional lines. And if we’re going to really do what we need to do on climate change, we’re going to have policies that I would think involve at least four committees, if not more,” he said.

But others in the House, some of who served when the select committee was last functioning, recall the body as largely symbolic and lacking teeth.

It didn’t have the power to vote on legislation, and the most consequential bill it helped push — the American Clean Energy and Security Act — died in 2010 when the Senate stopped trying to pass its own accompanying legislation.

The new committee would likely also be an investigatory body that could hold hearings and write reports, but not vote on legislation.

Freshman and incoming Democratic lawmakers are instead asking for a select committee focused instead on a more forward looking initiative, like increasing the use of renewable energy.

Rep.-elect Alexandria Ocasio-Cortez (D-NY), a progressive darling who overtook longtime Rep. Joe Crowley (D-N.Y.) in a primary this year, is backing the idea of a “Green New Deal” and wants the special committee to work toward the goal of 100 percent renewable energy, an idea its backers say would spur job growth.

Ocasio-Cortez pushed the idea along with 150 youth activists Tuesday during a sit-in at Pelosi’s Capitol Hill office.

Rep. Ro Khanna (D-Calif) also supported the “Green New Deal” charge for a special committee.

“We can create millions of good paying jobs in places left behind while also saving our planet.” he tweeted of the plan.

Incoming Reps.-elect, Rashida Tlaib (D-Mich.) and Deb Haaland (D-N.M.) threw their support behind the committee idea.

Other lawmakers instead oppose the idea of a new committee altogether, arguing that the House is already well-equipped to discuss climate issues, and must focus its efforts on legislation.

“I think it’s not necessary,” said Rep. Frank Pallone (D-N.J.), who is slated to chair the House Energy and Commerce Committee.

“We have very strong champions for addressing climate change — not only on my committee, but the other committees of jurisdiction — that are going to move very aggressively on the issue of climate change,” he said. “So I don’t think it’s necessary to have a special committee.”

Rep. Paul Tonko (D-N.Y.), who is slated to chair the House Energy and Commerce Committee’s environment sub-panel, thinks his committee is the right place for climate discussions and legislation.

“I think that we should make our major effort to reduce carbon pollution how best we can,” he said. “I think the subcommittee has been doing tremendous work around table discussion and that should get us to the finish line.”

Pallone made a big move to claim the climate mantle Wednesday, announcing alongside the expected Democratic leaders of the Natural Resources and Science committees that they would hold two days of hearings early next year on global warming.

“We plan to hit the ground immediately with a series of hearings early in the next Congress on how best to combat this growing global crisis,” Pallone said alongside Rep. Raúl Grijalva (D-Ariz.) of Natural Resources and Rep. Eddie Bernice Johnson (D-Texas) of Science.

“Our committees plan to work closely together to aggressively assess the public health, economic and environmental impacts of climate change and to explore the best solutions to combat this challenge.”

Grijalva said he isn’t opposed to the idea of a select committee. But he doesn’t think it should have the power to pass legislation.

“The last time it happened, it was a clearinghouse: investigative, review. I think the question is, is it a legislative committee as well,” he said.



Grijalva said the Democratic lawmakers in the existing committees care about climate change, so it's important to not take action that's seen as removing their authority.

"Everybody that's on Resources cares about climate change. Everybody that's on E&C cares about climate change. How do you select? Are you creating a body that is going to create legislation and everybody else holds back? What is going to be the participation of our committees into that process?"

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THORN RUN PARTNERS

## Today in Congress: House GOP Set to Hold Leadership Elections for Next Congress

*Rep. Kevin McCarthy is expected to be tapped as Minority Leader for the 116th Congress*

House Republicans are set to hold leadership elections for the next Congress today. GOP lawmakers are expected to elect Rep. Kevin McCarthy (R-CA) to be Minority Leader for the 116<sup>th</sup> Congress, despite a challenge from Freedom Caucus co-founder Rep. Jim Jordan (R-OH). In hopes of quelling an intraparty feud, reports suggest that President Trump has privately urged Rep. McCarthy to cut a deal with Rep. Jordan, fueling speculation that the conservative Ohio lawmaker may be elevated to the top GOP job on the House Judiciary Committee. The Republican Conference is also expected to elect: (1) Rep. Steve Scalise (R-LA) as Minority Whip; (2) Rep. Liz Cheney (R-WY) as Conference Chairwoman; (3) Rep. Tom Emmer (R-MN) as National Republican Congressional Committee (NRCC) Chairman; (4) Rep. Mark Walker (R-NC) as Conference Vice Chairman; and (5) Rep. Jason Smith (R-MO) as Conference Secretary.

Meanwhile, House Democrats are continuing to pad their majority for the next Congress as Democrat Josh Harder has defeated Rep. Jeff Denham (R-CA) in California's 10th District. As votes continue to be counted, two additional Republican-held seats — California's 45<sup>th</sup> and 39<sup>th</sup> Congressional Districts — also appear in jeopardy for the GOP as Rep. Mimi Walters (R-CA) and Republican Young Kim have seen their respective leads diminish.

On the floor, House lawmakers are scheduled to vote on a bill ([H.R. 6666](#)) that authorizes the Secretary of the Interior to grant state and local governments rights-of-way over Federal land within the Gateway National Recreation Area for construction, operation, and maintenance of projects designed to prevent flooding and shoreline erosion. In the Senate, the upper chamber is expected to clear the legislative vehicle ([S.140](#)) for Coast Guard reauthorization after striking a deal to address concerns about the potential for water discharged to exacerbate the spread of invasive species.

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# The Hill

## Brady outlines lame-duck tax priorities

Outgoing House Ways and Means Committee Chairman Kevin Brady (R-Texas) on Tuesday outlined several pieces of tax legislation he'd like to see enacted in the lame-duck session, though he said it was unclear how many of the items would be taken up in the remaining weeks of the year.

The lame-duck period marks Brady's final weeks as chairman of the tax-writing committee, since Democrats will have control of the House next year after regained control of the House in the midterm elections. Lawmakers returned to Washington on Tuesday to begin the lame-duck session.

Brady said he is hopeful that Congress can move legislation in the lame-duck session to make improvements to the IRS. There has been bipartisan interest in IRS legislation in both chambers, with the House passing legislation on the topic in April and key senators introducing bipartisan IRS reform bills over the summer.

Brady also said that he hopes to pursue legislation addressing expired tax breaks known as "extenders." More than two dozen tax breaks expired in 2017 and would need to be renewed in order for taxpayers to claim them on the returns they file next year.

The House Ways and Means Committee held a hearing on the provisions earlier this year in an effort to make a decision about which of the tax breaks should be made permanent and which should be eliminated following the enactment of Republicans' tax-cut law last year. Brady said that he's developed a "draft package" on extenders that he plans to discuss with other lawmakers.

Additionally, Brady expressed interest in pursuing legislation that makes technical corrections to the GOP tax law.

The business community has been urging Congress to pass legislation in the lame-duck session to fix drafting errors, including one that retailers and restaurants argue is hurting their ability to renovate their facilities. Brady said that a package with about 70-to-80 corrections, many of them minor, is close to being ready for review by lawmakers and stakeholders.

Technical corrections legislation would need some Democratic votes to pass, and Democrats have said in the past that they'd like fixes to drafting errors in the tax law to be paired with more substantive changes.

In September, House Republicans passed a package of tax cuts known as "tax reform 2.0." Brady said he'd like to see action in the lame-duck session on parts of that package, particularly the bill that focused on incentives for families to save money for retirement and other purposes.

The savings bill passed the House largely along party lines, but there has been bipartisan interest in making it easier for families to save for retirement.

"I think we've done good bipartisan work there, with the Senate as well," he said.

But Brady acknowledged that the fate of the most prominent bill in that package, which would make the 2017 tax law's individual cuts permanent, is contingent on the bill having 60 votes in the Senate. Republicans in the Senate currently only hold 51 seats in the Upper Chamber.

Brady said it's hard to predict what legislation will be considered in the last few weeks of the year.

"What I can't predict is how long this lame-duck will go and what appetite there is," he said. "As you know, these things are very unpredictable. They can go a week or two or they can go to New Year's Eve."

# The Hill

## Earmarks look to be making a comeback

House Democrats are hinting that they may bring back earmarks when they take back control of the lower chamber next year.

Rep. Nita Lowey (D-N.Y.), the incoming chairwoman of the powerful Appropriations Committee, wrote her Democratic colleagues and hinted that earmarks — or "congressionally directed spending" — would be making a comeback next year with Democrats in power.

The Democratic Caucus should “review procedures and work with the Senate to determine the most effective way to carry out our constitutional responsibilities through congressionally-directed spending,” Lowey wrote in her letter seeking the Appropriations gavel.

Republicans banned earmarks after they took back the majority in 2010, but some are now rallying to overturn the eight-year ban on a practice critics have derided as “pork-barrel spending.”

Rep. Mike Rogers (R-Ala.) and other GOP earmark defenders are planning to introduce an amendment Tuesday evening to lift the GOP conference-wide rule that prohibits Republican lawmakers from directing spending for pet projects in their congressional districts, GOP sources told The Hill.

House Republicans are slated to vote on proposed rules changes in a closed-door meeting on Thursday.

“Congressman Rogers has always been a vocal supporter of our Article One constitutional authorities and that doesn’t change just because we are in the minority,” said Rogers spokeswoman Shea Miller.

Earlier this year, President Trump suggested that Democrats and Republicans should reinstate earmarks to make it easier to pass legislation. And some GOP senators, including Lisa Murkowski of Alaska, have said recently they are all for bringing back the practice.

“It depends on whether House Democrats, Senate Republicans and the White House can come to an agreement,” said a House Democratic aide. “If they can, it is very likely to happen, but it’s hard to predict how such talks would go.”

Exactly two years ago, House Republicans, having retained the majority, were on the cusp of resurrecting earmarks during a similar vote on GOP rules changes.

But at the last minute, Speaker Paul Ryan (R-Wis.), an earmarks critic, nixed the vote after some Republicans complained that restoring earmarks would create bad optics for the party so soon after the election of Donald Trump. Trump’s anti-Washington campaign slogan had been: “Drain the Swamp.”

The House Rules Committee held hearings on earmarks, but the issue went nowhere.

Earmarks supporters have argued that lawmakers are more knowledgeable about what projects are needed in their districts rather than leaving those decisions to executive-branch bureaucrats.

“I know first hand when you have to depend on some department up here in Washington, they just don’t know your district. Every district is different. There’s nobody who knows it like the member,” said Rep. Robert Aderholt (R-Ala.), who is running to be the top Republican on the Appropriations Committee.

“If they are done fairly and transparently and they are done in daylight, earmarks can be a very positive thing,” he said.

## **The Wall Street Journal**

### **Rich Investors Eye Tax-Favored Development Funds**

Wealthy investors, fund managers and real-estate developers are racing to take advantage of a tax incentive meant to spur economic growth in neglected areas.

Interest in the “opportunity zones” Congress created last year intensified when the Treasury Department issued the program’s first guidelines in October. The program offers tax breaks to individuals and companies for investing in selected urban and rural areas that meet income or poverty thresholds.

Venture capitalist Ben Horowitz, former Under Armour Inc. executive Scott Plank and Utah philanthropist James Sorenson are among those eyeing the program. Goldman Sachs Group Inc. has put in \$70 million of its own money, while Bank of America Corp. , Wells Fargo , Bessemer Trust and other wealth managers are examining whether and how to offer investments to affluent clients.

The release of Treasury guidance generated “a level of enthusiasm I would liken to Lady Gaga coming to do a concert at your town hall,” said Peter Brack, a managing partner with Hypothesis, a venture-capital firm working on an early-stage opportunity-zone fund to invest in tech startups.

So far, at least 43 funds are seeking to raise a total of at least \$8.9 billion, according to lists compiled by the National Council of State Housing Agencies and Novogradac & Co., a San Francisco accounting firm. Sen. Tim Scott (R., S.C.), says he is aware of \$25 billion of potential projects. Treasury Secretary Steven Mnuchin expects \$100 billion.

The program is intended to pump money into struggling areas without direct government funding by attracting investors seeking to delay, reduce or eliminate capital-gains taxes. To benefit, they park capital gains from existing assets into funds that make new investments in the nearly 9,000 zones the Treasury designated following state nominations.

Goldman said it has funded six projects in areas such as New York City, Baltimore and northern New Jersey, and has more than \$1 billion of potential projects in the pipeline. One already-funded project will upgrade a grocery store serving low-income residents of East Orange, N.J.; another involves housing and recreational facilities in Brooklyn’s Crown Heights neighborhood.

RBH Group LLC, which specializes in housing for teachers and other public employees, acquired land in Florida through a \$40 million opportunity-zone fund in September. The group hopes for similar projects in places such as Atlanta, Boston and Oakland.

Some investors are looking for opportunities in areas they know. Mr. Horowitz, co-founder of venture capital firm Andreessen Horowitz, said he plans to put an undetermined amount of his personal money into projects in Oakland, Calif., near his home, or in Compton, Calif., his wife’s hometown.

Investors seeking maximum tax benefits have about 14 months to act, starting from October, when Treasury issued its guidance.

Skeptics worry savvy investors will score tax breaks by financing projects that would happen anyway, with little net impact on local economies. They warn the program could spur gentrification and displace low-income households.

While early results suggest a strong response from rich investors, previous policies to spur investment in low-income areas have yielded mixed results. Academic studies have found little effect from state enterprise zones and modest benefits from federal efforts, such as public spending on infrastructure and social services.

The vehicles aren’t automatic wins for investors, either, who must commit to long-run illiquid assets to get the best returns.

Ian Ross, whose Somera Road Inc. was investing in distressed property before Congress created the program, said he has \$500 million worth of projects in the pipeline in cities like Cleveland, Memphis and Nashville. Mr. Ross said he is constantly fielding calls. During one recent 20-minute interview, he received five messages about opportunity zones, including one from an investor, one pitching a New York deal and another from a broker.

Fund sponsors are seeking capital from family offices and individual investors with built-up gains in stocks, property and businesses they are ready to sell. Their targets include those looking solely for tax savings as well as those interested in making a social impact.

Corporations are putting in money to lower capital-gains taxes when they sell their assets. The congressional Joint Committee on Taxation estimates 74% of the tax benefit will go to corporations, not individuals, with an initial government revenue loss of \$9.4 billion over five years.

Timing can be tricky. Investors have a maximum of 180 days between realizing gains and investing them. Opportunity-zone businesses can hold cash for up to 31 months, but because the program favors projects that already have zoning and other approvals, “the only ones that are really going to be able to take advantage are ones that are almost up and ready to go,” said Rick Gregory, a Virginia developer eyeing several projects, including a \$65 million development of offices and apartments in the Richmond area.

Investors are waiting to see how the program pans out.

Mr. Plank, who has created his first opportunity zone fund and bought a building in Baltimore’s Hollins Market neighborhood for which he is now seeking investors, worries the program “has a risk of bringing in capital that’s not experienced in these areas and may be tax-motivated instead of mission-motivated,” he said.

James Lee Sorenson, a philanthropist who consulted with lawmakers about the program last year, said, “This legislation has a tremendous potential to move typical traditional investors to become impact investors.”

The tax break could be particularly attractive to people with short-term capital gains, like those often thrown off by hedge-fund investments. They could shrink or defer the 40.8% tax rate on short-term gains, not the 23.8% rate on long-term gains.

"You're sort of doubling the after-tax benefit," said Robert Gordon, president of Twenty-First Securities Corp., a New York advisory firm.

SkyBridge Capital LLC, a New York-based alternative asset manager led by former White House Communications Director Anthony Scaramucci, plans to launch a private unlisted real-estate investment trust aimed at wealthy individuals willing to invest at least \$100,000 in opportunity zones.

The fund will invest in dozens of projects in partnership with developers of multifamily housing and warehouse projects, said Skybridge managing director Dan Barile.

Big banks are considering their options as well. JPMorgan Chase & Co. created an internal working group to assess how the firm and clients can use the program, and is examining select investment properties in opportunity zone areas. Wells Fargo & Co. wealth managers are vetting funds.

Says Anna Snider, head of due diligence for Bank of America units Merrill Lynch and U.S. Trust, studying the program will take "quarters, not months" because it is still so new

## The Wall Street Journal

### U.S. Panel Warns China Tech Prowess Threatens U.S. Security

WASHINGTON—A commission of security and economic experts convened by Congress warned that China's technology-manufacturing strength threatens U.S. national security and advised U.S. government agencies to be mindful of Chinese attempts to compromise government systems.

In a new report, the U.S.-China Economic and Security Review Commission found Chinese dominance of networking-equipment manufacturing threatens the security of U.S. fifth-generation, or 5G, wireless infrastructure. The panel cited Chinese telecommunications giants Huawei Technologies Co. and ZTE Corp. in particular.

In addition, China's position as the world's largest manufacturer of internet-connected household devices creates "numerous points of vulnerability for intelligence collection, cyberattacks, industrial control, or censorship," said the panel, which includes appointees by Senate and House leaders of both parties.

Beijing has denied interfering in U.S. affairs and says much of U.S. policy toward China is an inappropriate attempt to contain its rise.

While many policy makers historically considered the commission's recommendations to be aggressive, they are increasingly being viewed as mainstream as U.S. officials' attitudes toward Beijing harden.

Among the commission's other recommendations:

Congress should require the White House Office of Management and Budget to ensure all government agencies address supply-chain vulnerabilities stemming from China, including potential cyber, operations, physical, information and data-security issues.

Congress should direct the National Telecommunications and Information Administration and Federal Communications Commission to ensure 5G technology is rapidly and securely deployed in the U.S. "with a particular focus on the threat posed by equipment and services designed or manufactured in China."

Congress should direct the Commerce Department to reassess whether U.S. export control policy for dual-use technology should continue to consider Hong Kong—where controls are more relaxed—and mainland China as separate customs areas, given Beijing's continued erosion of Hong Kong's autonomy. The report cites Beijing's aggressive crackdown on free speech in Hong Kong as well as its "direct involvement" in the Hong Kong government's rejection of a U.S. fugitive-surrender request, among other issues.

Congress should have the U.S. Departments of Defense and Homeland Security study the implications of China's Central Military Commission's 2018 assumption of direct control over the China Coast Guard. The departments should analyze China's use of the coast guard as a "coercive tool" in disputed waters, and determine how the change could affect interactions with the U.S. Navy and Coast Guard.

Congress should ask the Justice Department to look into utilizing the little-known U.S. “Conspiracy Against Rights” law to prosecute Chinese Communist Party affiliates who “threaten, coerce, or otherwise intimidate U.S. residents.”

The report also contains a section of recommendations on countering potential security and economic issues posed by Beijing’s Belt and Road Initiative, a global development plan that seeks to expand Chinese influence across Asia, the Middle East, Africa, and Europe.

## The Hill

### **Criminal justice reform faces a make-or-break moment**

A long-stalled criminal justice reform effort is facing a make-or-break moment: winning over President Trump’s support.

A bipartisan group of senators involved in talks has reached a deal to pair a House-passed prison reform bill with a handful of sentencing reform measures, according to two GOP aides. Advocates hope to get legislation to the president’s desk by the end of the year.

But whether the bill can gain the traction it needs among Republicans, who are wary of being viewed as weak on crime, boils down to Trump.

Despite having lukewarm national approval, the president holds enormous sway over his party’s base and congressional Republicans, who have avoided picking a fight with him.

Supporters on and off Capitol Hill are hoping to win his blessing on the legislation in order to overcome a small, but vocal, group of conservative opponents who have dug in and helped poison the chances of passing criminal justice legislation in recent years.

Jason Pye, the vice president of legislative affairs for FreedomWorks, said he felt “pretty good” about the prospects for the Senate compromise legislation, crediting the White House and Trump for keeping the prospects of legislation alive during a heated, and deeply partisan, midterm year.

“I don’t think we would be where we are right now without the White House’s support, particularly the president,” he said. “I think the votes are there ... but it’s unlikely it’s going to come to the floor without the president’s support.”

A GOP aide acknowledged that Trump is the “wildcard” in the criminal justice bill’s chances.

Trump’s verdict on the bill could come as soon as this week, after the issue was kicked to the lame-duck session of Congress.

The aide told The Hill that Trump’s son-in-law and adviser Jared Kushner, who has been at the center of the Senate negotiations, briefed the president on the agreement Tuesday at the White House.

The White House did not respond to multiple requests for comment.

The deal under discussion would link the House’s prison reform bill with four sentencing provisions, according to draft legislation and bill summaries viewed by The Hill.

The sentencing provisions include reducing lifetime mandatory minimum sentences after two prior felony drug convictions to at least 25 years; reducing minimum sentences after one prior conviction from 20 to 15 years; and making the Fair Sentencing Act retroactive.

It also would expand an existing safety valve for mandatory minimum sentencing that would not apply retroactively.

While one Republican staffer said the group of senators had a deal, a second said that changes were still possible until the bill is formally filed but characterized the legislation as being largely settled among the group of senators.

Underscoring the wariness of getting out ahead of the president, Sen. Chuck Grassley (R-Iowa), the chairman of the Judiciary Committee, hasn’t formally introduced the legislation — which was negotiated along with Sens. Dick Durbin (D-Ill.), Mike Lee (R-Utah) and Lindsey Graham (R-S.C.) — even as the broad framework has been in place for months.

Republican leadership has refused to move previous criminal justice bills from Grassley and Durbin, even though supporters say they had the votes to pass, in an effort to avoid putting a spotlight on GOP divisions.

And even as chatter of a potential agreement spread, some senators pushed back hard against talk of an agreement, arguing there wasn't a deal until Trump signs off on the details of the legislation.

"There won't be any agreement on a criminal justice reform compromise unless and until President Trump supports it and asks the Republicans who control both chambers of Congress to move it forward," said Emily Hampsten, a spokeswoman for Durbin.

Grassley said on Tuesday night that he had not gotten an update on the White House meeting but that his colleagues sounded "positive" about the bill.

Graham added that he spoke with the president as recently as Monday about the issue. If, and when, Trump gives a thumbs up to the legislation, Grassley is expected to formally introduce the bill almost immediately.

"I talked to the president last night about it. I think now's the time to do it," Graham said. "I think the stars have aligned politically and now would be a good time to do it."

It wouldn't be the first time a bipartisan group of senators involving Durbin and Graham thought they had an agreement only for it to be quickly killed by Trump and conservatives.

Durbin and Graham went to the White House in January to brief the president on a compromise immigration bill only to find conservatives, including Sen. Tom Cotton (R-Ark.), waiting for them at the White House. The proposal quickly unraveled in the face of the showdown, and Congress has failed to pass immigration legislation for months.

Cotton has given no indication that he's moved on criminal justice legislation. In August, he used a Wall Street Journal op-ed to warn Trump against cutting mandatory minimum sentences for serious crimes or giving judges more discretion to reduce those sentences.

"That foolish approach is not criminal-justice reform—it's a jailbreak that would endanger communities and undercut President Trump's campaign promise to restore law and order," Cotton wrote.

A senior White House official told The Hill at the time that they didn't believe they needed unanimous support among the Senate Republican conference for the bill to ultimately pass.

Pye added that while there are "some opposing voices" within the caucus, including Cotton, they "do not reflect the sense of the Senate Republicans as a whole," and said he expects a bill could get more than 70 votes.

Prospects for criminal justice legislation have been steadily gaining steam heading into the lame-duck.

Senate Majority Leader Mitch McConnell (R-Ky.) pledged last month that he would give the bill a whip count and that if it has the 60 votes needed to pass — which Senate supporters and outside groups believe it does — he would find time to bring it to the Senate floor.

In a major boost to combat "weak on crime" accusations, the Fraternal Order of Police, the largest law enforcement labor organization in the U.S., endorsed the bill on Friday, crediting Trump and his staff for working with them on the bill. And Kelley Paul, Sen. Rand Paul's (R-Ky.) wife, is lobbying senators this week, including conservatives and female members, to urge them to back the bill and press McConnell to bring it up for a vote.

One final curveball could come from Democrats, who will hold the House majority in the next Congress. Republicans and advocates are hoping Durbin's involvement, and the difficulty of passing legislation, will quell political jockeying from 2020 White House hopefuls and talk of potentially kicking the legislation into next year, when Democrats will have more leverage.

"That is at the forefront of my mind," Pye said. "Sen. Durbin is going to be key in convincing House Democrats not to overstep."

Sen. Amy Klobuchar (D-Minn.) — a potential 2020 candidate — weighed in Tuesday in a tweet, urging lawmakers not to miss the window for passing criminal justice legislation and calling it an "important opportunity that shouldn't be lost."





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**From:** Thorn Run Partners <thornrun@thornrun.com>  
**Sent:** Tuesday, November 13, 2018 10:10 AM  
**To:** Todd Wodraska  
**Subject:** This Week in Congress: Congress Returns for 'Lame-Duck' Session



## This Week in Congress: Congress Returns for 'Lame-Duck' Session

*Lawmakers look to avoid government shutdown prior to the start of the new Congress.*

House and Senate lawmakers will return to Washington today to begin the “lame duck” session of Congress. As lawmakers seek to clear the seven outstanding appropriations bills, Congress faces a distinct possibility of a post-election showdown over border wall funding. If lawmakers are unable to reach a deal, another continuing resolution (CR) will likely be required to fund the government into early next year. Meanwhile, other items on the lame duck agenda include a farm bill and flood insurance package — both of which are set to expire before the end of the year — along with more targeted action to address issues including criminal justice reform or the Medicare prescription drug “donut hole” reimbursement issue.

On the floor this week, Senators are currently slated to take up the legislative vehicle ([S.140](#)) for Coast Guard reauthorization and consider the nomination of Michelle Bowman to be a member of the Board of Governors of the Federal Reserve. In the House, lawmakers have teed up a list of 15 [bills](#) under suspension of the rules, as well as a bill ([H.R. 6784](#)) that would remove the gray wolf from the List of Endangered and Threatened Wildlife published under the Endangered Species Act of 1973.

In notable midterm election developments, Rep. Kyrsten Sinema (D-AZ) has defeated Rep. Martha McSally (R-AZ) in the race to replace outgoing Sen. Jeff Flake (R-AZ). Rep. Sinema’s victory makes her the first female Arizonan ever elected to serve in the chamber and the first Democrat elected since 1988. Elsewhere, Florida Governor Rick Scott (R-FL) currently leads Sen. Bill Nelson (D-FL) in Florida’s Senate race. However, the race is still too close to call as the final margins (Scott currently leads by 0.15 percent) are within the state-mandated recount threshold. The final result is expected to be announced in the coming weeks following the contentious recount.

*‘Today in Congress’ includes updates provided by the House and Senate majority leaders, as well information derived from publications including Bloomberg Government, The Hill, Politico, Roll Call, The Wall Street Journal, The New York Times, and Morning Consult.*

# The Hill

## **This week: Congress starts lame duck with leadership fight**

Lawmakers, returning to Washington for the first time in more than a month, are locked in a battle over who will lead Congress next year.

Congress is slated to reconvene on Tuesday, with both chambers gearing up for leadership elections and House Republicans adjusting to their soon-to-be minority status after Democrats managed to flip the chamber during last week's midterm election.

In the House, GOP lawmakers are set to vote on their new leadership on Nov. 14, with a battle underway for the caucus's top spot. A leadership election candidate forum is expected to be held Tuesday early evening.

House Majority Leader Kevin McCarthy (R-Calif.), who sent a letter to colleagues last week announcing his official bid for the position, appears to be the front-runner in the race for minority leader. McCarthy was endorsed by House Speaker Paul Ryan (R-Wis.) to be his successor shortly after his retirement announcement in April.

But the California Republican faces a challenge from Rep. Jim Jordan (R-Ohio), who, with the backing of a coalition of outside groups, argues the House needs a leadership overhaul if they are going to take back the House.

With last week's defeats, the House Republicans will have a smaller, and more conservative, caucus next year, which could give the at times combative wing of the conference more leverage within the party.

House Majority Whip Steve Scalise (R-La.) is slated to be the next House minority whip while Rep. Liz Cheney (R-Wyo.) is expected to serve as House Republican Conference chair. House Republican Conference Chair Cathy McMorris Rodgers (R-Wash.) announced she wouldn't seek a second term in leadership last week, shortly after Cheney — who has the backing of several top Republicans — announced she planned to challenge the Washington State Republican.

Rep. Mark Walker (R-N.C.), who currently serves as the chairman of the Republican Study Committee, announced his bid to serve as vice chairman.

Democrats in the lower chamber are slated hold their leadership elections later this month, but jockeying for the positions is expected to heat up in coming days.

While House Minority Leader Nancy Pelosi (D-Calif.) is the frontrunner in the race for speaker, a number of members within her caucus are vowing to vote against her despite a challenger not having come forward. House Minority Whip Steny Hoyer announced he will seek to be the next majority leader. Rep. Diana DeGette (D-Colo.) will face off against Rep. Jim Clyburn (D-S.C.) for the position of House majority whip.

And Reps. Barbara Lee (D-Calif.) and Hakeem Jeffries (D-N.Y.) are both vying for the role of conference chair.

In the Senate, leadership elections are expected to be less dramatic.

Majority Leader Mitch McConnell (R-Ky.) and Minority Leader Charles Schumer (D-N.Y.) are both expected to retain the top spot in their respective caucus.

With Senate Majority Whip John Cornyn (R-Texas), the No. 2 Senate Republican, term limited in his position after this year, the rest of the GOP leadership is expected to seek to move up the ladder. Sen. John Thune (R-S.D.), currently the No. 3 Republican senator, is expected to become the next majority whip.

Meanwhile, Sens. Joni Ernst (R-Iowa) and Deb Fischer (R-Neb.) are battling to become vice chair of the Senate GOP conference, where one of them will be the first woman to serve in the elected Senate Republican leadership since 2010.

Sen. Todd Young (R-Ind.) is running to be chairman of the National Republican Senatorial Committee, while Sen. Catherine Cortez Masto (D-Nev.) is reportedly being courted to lead the Democratic Senatorial Campaign Committee.

## **2019 freshmen arrive**

Members of next year's freshman class are arriving in D.C. this week to start laying the groundwork for 2019.

The Congressional Progressive Caucus held a press conference on Monday with some newly elected members on Monday.

Meanwhile, the 116th freshman class will be on Capitol Hill Tuesday for new member orientation.

The congressmen-elect are expected to register and check in on Tuesday, gather take their freshman class photo on Wednesday and will attend new member briefings on Thursday.

McConnell will meet with newly elected Republican senators and hold a photo op on Wednesday. Though the Florida Senate race remains too close to call, GOP Gov. Rick Scott is expected to attend new member orientation and participate in leadership elections.

New members also partake in the office lottery, where it'll be determined who gets the best office space. While most elections have been called, some potential members could end up attending orientation then ultimately end up losing their races. Members will officially be sworn in early next year.

### **Manage Our Wolves Act**

The House is slated to vote on legislation that would delist gray wolves from endangered species lists in the 48 contiguous states and transfer their management back to the states.

"According to the U.S. Department of Interior and the U.S. Fish and Wildlife Service's best available scientific evidence, the gray wolf is not endangered any no longer warrants federal endangered species protection," Rep. Dan Newhouse ( R-Wash.) said in a statement upon the bill's introduction.

### **Coast Guard authorization**

The Senate will return on Tuesday afternoon and hold an initial vote on coast guard authorization legislation.

The vote comes after senators blocked the bill earlier this year, with environmentalists and opponents arguing it would weaken water pollution standards.

The April version of the bill included a version of the Vessel Incidental Discharge Act (VIDA), which would exempt ships' ballast water from Clean Water Act oversight under the Environmental Protection Agency (EPA) and stop most states' attempts to regulate ballast water.

The provision has been updated in the bill the senate will try to advance this week. If the legislation overcomes Tuesday night's hurdle, a final vote is expected on Wednesday.

## **The Wall Street Journal**

### **U.S., China Resume Talks to Cool Trade Tensions**

Treasury Secretary Steven Mnuchin has resumed discussions with his Chinese counterpart, Vice Premier Liu He, about a deal that would ease trade tension, ahead of a meeting of the leaders of China and the U.S. set for the end of the month.

The two spoke by telephone on Friday, said people briefed on the conversation, as the U.S. demands that China put forward a concrete offer before negotiations on a trade deal can take place. Chinese officials are resisting and say they want to talk first before making a formal proposal. They worry that once they make a formal offer they will lose leverage, say officials in both countries.

The Friday conversation didn't lead to any breakthrough in those issues but the renewed discussions indicate the two sides are trying to reach an accommodation, the officials say.

Some U.S. officials who take a hard line toward China say they think the Chinese will make an offer before the two leaders meet at the Group of 20 nations summit in Buenos Aires. At most, they say, the U.S. and China might be able to reach a kind of ceasefire in the trade battle, with the U.S. refraining from increasing tariffs. That could be followed by detailed negotiations. But even a limited ceasefire may prove difficult.

Chinese President Xi Jinping has required different ministries to come up with specific negotiations expectations so that both sides can keep talks going after the G-20 summit.

Chinese officials don't expect to resolve the trade dispute at the G20 meeting. Instead, they are hoping for a broad framework of a deal, which would be followed by negotiations on the details.

The White House's National Economic Council is looking at what sort of offers on agricultural tariffs, technology transfer, cyber security and intellectual property protection would be acceptable. But the administration remains bitterly divided on China trade, with U.S. Trade Representative Robert Lighthizer arguing that the U.S. needs to continue with tariffs to get China to make necessary concessions.

At G-20 meetings, Treasury and the White House usually take leading roles, not USTR.

The discussions follow a phone call between Mr. Xi and President Trump on Nov. 1. A day later Mr. Trump said that "I think we'll make a deal" with China. His remarks came shortly before the mid-term elections, making it difficult to judge whether Mr. Trump was evaluating prospects for a deal or looking for a way to calm markets before voting began.

The U.S. has put tariffs on \$250 billion of Chinese imports. Of that, levies on \$200 billion of goods are set to increase to 25% from 10% on Jan. 1, unless Mr. Trump agrees to suspend the increase. The U.S. is also putting the finishing touches on tariffs on most of the rest of China's imports—about another \$250 billion, although mobile phones and perhaps laptops may be exempted, say people familiar with the administration's thinking.

Spokesman for the U.S. Treasury and Chinese Embassy in Washington didn't return calls seeking comment.

Beijing has been sending signals that could be enticing to Mr. Trump. At a Shanghai import fair last week Mr. Xi said that China expected to import services worth \$10 trillion over the next 15 years. Should that occur, U.S. firms would be in line to get a big share.

Around the same time, Chinese Premier Li Keqiang met with leaders of six multilateral institutions. They jointly pledged to support free trade and to "work together to de-escalate and resolve current trade tensions," according to the group's communique.

But many Trump administration officials, including Mr. Lighthizer, White House trade adviser Peter Navarro and officials in the defense establishment are deeply skeptical of China's record in carrying out such pledges.

During the last two weeks, some former U.S. officials with long experience in China and solid connections with Trump officials, have been meeting with Chinese leaders. They include former Treasury secretary Hank Paulson and former Secretary of State Henry Kissinger, who engineered the U.S. opening to China in 1972.

Mr. Kissinger has been especially visible, with Chinese state media reporting his meeting with Mr. Xi and Mr. Liu, the Chinese negotiator. U.S. officials say he isn't acting as intermediary.

"There is a consistency in the (Chinese) messages that can be seen by optimists as the outlines of a deal," Michael Pillsbury, who consults frequently with the administration, said. "But it's not an offer."

Mr. Pillsbury's book, "The Hundred-Year Marathon," argues that Beijing uses stealth and misdirection to try to replace the U.S. as the world's leading power.

## The New York Times

### Bipartisan Sentencing Overhaul Moves Forward, but Rests on Trump

WASHINGTON — A bipartisan group of senators has reached a tentative deal on the most substantial rewrite of the nation's sentencing and prison laws in a generation, giving judges more latitude to sidestep mandatory minimum sentences and easing drug sentences that have incarcerated African-Americans at much higher rates than white offenders.

The lawmakers believe they can get the measure to President Trump during the final weeks of the year, if the president embraces it.

The compromise would eliminate the so-called stacking regulation that makes it a federal crime to possess a firearm while committing another crime, like a drug offense; expand the "drug safety valve" allowing judges to sidestep mandatory minimums for nonviolent drug offenders; and shorten mandatory minimum sentences for nonviolent drug offenders, according to draft text of the bill obtained by The New York Times.

It would also retroactively extend a reduction in the sentencing disparity between crack and powder cocaine signed into law in 2010, potentially affecting thousands of drug offenders serving lengthy sentences.

"We have the clearest path forward that we have had in years," said Holly Harris, the executive director of the Justice Action Network, a bipartisan coalition arguing for an overhaul. "This would be the first time that these members have voted on a piece of legislation that turns away from the lock-'em-up-and-throw-away-the-keys policies of the 1990s. That is groundbreaking."

Lawmakers and outside advocates involved in the push expect Mr. Trump to render his judgment on the package as soon as this week. Jared Kushner, the president's son-in-law and the leading voice within the White House for the changes, is likely to brief Mr. Trump on the bill during a broader discussion of legislative priorities with top policy officials on Tuesday, according to one senior administration official, who was granted anonymity to discuss the plans. And at least two influential Republican senators were lobbying the president in its favor.

Senator Mitch McConnell of Kentucky, the majority leader, has told the senators he will bring the package up for a vote if they can show they had the support of at least 60 senators. Speaker Paul D. Ryan of Wisconsin, a vocal advocate of such changes, committed to putting the compromise on the House floor in a lame-duck session that begins on Tuesday if Mr. Trump endorses it and it can clear the Senate.

"Speaker Ryan has long advocated for criminal justice reform," said AshLee Strong, a spokeswoman for Mr. Ryan. "The House passed legislation earlier this year, and we are hopeful the Senate will act so we can get a bill to the president's desk."

The support of the famously mercurial Mr. Trump is by no means guaranteed. But if they can secure an endorsement, senators say they can move quickly on the kind of bipartisan achievement that has eluded Mr. Trump — and bedeviled senators and outside advocates of the overhaul for years.

The effort has brought together an unlikely coalition of advocacy groups from the left and the right, including the billionaire conservative brothers Charles G. and David H. Koch and the American Civil Liberties Union. But with the arrival of the Trump administration and its return to tough-on-crime policies, many believed the chances of changing federal law were all but shot.

The bill, called the First Step Act, is more modest than the much-trumpeted set of changes that stalled in the Senate last term, but its provisions are still far-reaching and could win support across the ideological spectrum. It creates a suite of programs and incentives intended to reduce recidivism and prohibits the shackling of female inmates while pregnant, among other prison-focused measures.

In contrast to the 2015 proposal, the elimination of the "stacking" provision and the reduction of mandatory minimums for nonviolent offenders would not apply retroactively — a concession by Democrats that greatly narrows the impact of the changes for the current prison population.

Sign Up for On Politics With Lisa Lerer

A spotlight on the people reshaping our politics. A conversation with voters across the country. And a guiding hand through the endless news cycle, telling you what you really need to know.

The latest compromise was crafted by Senators Charles E. Grassley, Republican of Iowa; Richard J. Durbin, Democrat of Illinois; and Mike Lee, Republican of Utah, in conjunction with Mr. Kushner. Those senators won a promise from Mr. Trump in August that he would consider backing a bill during the lame-duck session. Mr. Grassley, the Judiciary Committee chairman, and another senior Republican on that committee, Lindsey Graham of South Carolina, have lobbied Mr. Trump in the months since.

If Mr. Trump supports the package, senators will still be up against a rapidly closing legislative window — Congress is set to break in mid-December — and certain opposition from conservative Republicans in both the Senate and the House.

Democrats could also throw up roadblocks if liberals think they could get a better deal once Democrats take control of the House.

If Mr. Trump does not back the measure, lawmakers concede its chances of advancing this Congress are almost none.

But advocates of changes to the sentencing and prison laws see a path to passage. The Fraternal Order of Police, the country's largest police organization, announced on Friday that it would support the bill. The National Sheriffs' Association, another key constituency, appears to have dropped some of its objections after a meeting with Mr. Kushner late last week, the senior administration official said.

"We have a bill that will make our streets and neighborhoods safer, our police will be better protected and improve the ability of our criminal justice system to effectively rehabilitate offenders," Chuck Canterbury, the police order's president, said in a statement.

Lawmakers may have also gotten a boost with the departure of Jeff Sessions as attorney general last week. Mr. Sessions had used his post to order federal prosecutors to pursue the toughest possible charges and sentences for crime suspects, reversing Obama-era efforts to ease such penalties for some nonviolent drug offenders. And he vigorously opposed legislative compromise, going head-to-head not only with Mr. Grassley but also with Mr. Kushner.

Mr. Kushner has had several meetings with Matthew G. Whitaker, the new acting attorney general, who has signaled that he is open to the changes. The effort could be revived in the next Congress if he and allies are unable to succeed in the short term.

Mr. Kushner has also traveled with Vice President Mike Pence in recent days to brief the vice president on the latest developments, the administration official said.

If Mr. Trump offers his support this week, Mr. Grassley would introduce the bill within days. Mr. Durbin would then likely endorse it and lobby fellow Democrats.

Emily Hampsten, a spokesman for Mr. Durbin, said he was “negotiating in good faith, but there won’t be any agreement on a criminal justice reform compromise unless and until President Trump supports it and asks the Republicans who control both chambers of Congress to move it forward.”

The senators believe they can win over most Democrats and, with cover from Mr. Trump, a large block of Republicans. But they fear outspoken conservative opponents to liberalizing sentencing laws, especially Senator Tom Cotton of Arkansas, could pull Mr. Trump out of their camp.

Then there is the House, which passed a prison bill that excluded any modifications to sentencing laws this year by an overwhelming margin. The addition of sentencing changes is likely to sweeten the deal for Democrats and turn off some Republicans. A Democratic strategy of delay until next year comes with substantial risks — Senate leaders and the White House could withdraw support. A spokesman for Representative Nancy Pelosi of California, the Democratic leader, declined to comment.

## The Hill

### Trump, California battle over climate and cause of fires

President Trump and California’s political leaders are engaging in a war of words over the cause of wildfires that have devastated the state, killing at least 31 people.

Gov. Jerry Brown (D) blamed climate change at a press conference Sunday, days after Trump blamed the state’s forest management programs.

“Managing all the forests everywhere we can does not stop climate change, and those who deny that definitely are contributing to the tragedies that we are witnessing and will continue to witness,” Brown said in remarks directed toward the president.

Trump’s argument, that extensive logging and a change in California’s water practices could alleviate its fire problems, are regularly touted by Republicans who support logging industry groups out West as well as California GOP Reps. Kevin McCarthy and Devin Nunes, who have long fought for more water access in their districts in California’s Central Valley.

“There is no reason for these massive, deadly and costly forest fires in California except that forest management is so poor,” Trump tweeted late Friday, threatening to withhold federal funds even as firefighters in the state grappled with the blazes.

“Billions of dollars are given each year, with so many lives lost, all because of gross mismanagement of the forests. Remedy now, or no more Fed payments!” Trump tweeted.

California lawmakers and fire experts quickly denounced Trump’s comments as partisan posturing.

“Lives have been lost. Entire towns have been burned to the ground. Cars abandoned on the side of the road. People are being forced to flee their homes. This is not a time for partisanship. This is a time for coordinating relief and response and lifting those in need up,” California Gov.-elect Gavin Newsom (D) tweeted.

Others pointed out that many of the fires scorching the state are not in fact burning in forests at all, but on hillsides near city centers and coastlines.

California's Woolsey fire, for example, has burned nearly 100,000 acres in Ventura, Calabasas, Thousand Oaks and Malibu. It has burned through communities located mere miles from the ocean, in valleys growing more shrubs than trees.

"The president's assertion that California's forest management policies are to blame for catastrophic wildfire is dangerously wrong. Wildfires are sparked and spread not only in forested areas but in populated areas and open fields fueled by parched vegetation, high winds, low humidity and geography," California Professional Firefighters President Brian Rice said in a statement Saturday.

Experts also said that a majority of the land where forest fires have devastated have taken place on land that is federally owned and managed.

"Moreover, nearly 60 percent of California forests are under federal management, and another one-third under private control. It is the federal government that has chosen to divert resources away from forest management, not California," Rice said.

Trump's budget has called for slashing funding for the U.S. Forest Service and firefighting, argued Rep. Ted Lieu (D-Calif.).

"Dear @realDonaldTrump: What is wrong with you? Disaster victims deserve help & sympathy. Oh, and guess who owns much of the forest land in CA? Your federal agencies. CA only owns 2%. Guess who cut funding to forest management in the budget? YOU DID," Lieu tweeted Saturday.

Trump's sharp words created discomfort for some Republicans.

"I don't think it's appropriate to threaten funding," Sen. Cory Gardner (R-Colo.) said Sunday on NBC's "Meet the Press." "That's not going to happen. Funding will be available. It always is available to our people wherever they are, whatever disaster they are facing."

"California will receive the money they need," Sen. Lindsey Graham (R-S.C.), increasingly seen as a close ally to Trump, said on CBS's "Face the Nation."

"But going forward, we need to look at some of the underlying causes of these fires, and it's just not California we need to look at better forest management in," he said.

The fires are likely to be a point of discussion for lawmakers returning to Washington on Tuesday for the first time since Democrats retook control of the House in the midterm elections. Congress is facing a Dec. 7 deadline to pass legislation to fund most of the government, and lawmakers could attach special disaster funding to that bill.

The new Congress will not take office until next year, but it could be led by two Californians: current House Minority Leader Nancy Pelosi (D) and McCarthy. It's unclear how that new dynamic could change the federal government's take on how to handle western wildfires.

A spokesman for Rep. Nita Lowey (N.Y.), the top Democrat on the House Appropriations Committee and its likely chairman when the party takes over in January, said the Democrats will insist on money for the wildfires and other recent natural disasters.

"Congress must build upon the down payment agreed in September by swiftly passing an emergency supplemental appropriations bill in the lame duck session that will assist the communities affected by Hurricane Florence, Hurricane Michael, Typhoon Yutu, and the wildfires burning throughout the West," the spokesman said.

Blair Taylor, a spokesman for Senate Appropriations Committee Chairman Richard Shelby (R-Ala.), left the door open for disaster funding for the wildfires, saying the panel's priority is the Dec. 7 funding deadline.

"As we set about that work, we will keep a close eye on this and other areas with a disaster declaration and remain in close contact with those states and the administration regarding need," he said.

Trump has for months pushed to increase forest management — often a euphemism for logging — as a way to fix California's fires.

In October, he made a similar threat to cut funding to California. Speaking in an address to the White House State Leadership Day Conference, Trump blamed water resource management as another area where California failed.

"This is a seriously defective thing there. I thought they had a drought. I didn't realize. They said 'no, we have so much water we don't know what to do with it.' Then you have all the forest fires. We have so much water they could actually water some of it," he said.



In fact, nearly 52 percent of California's land — where about 63 percent of the state's population lives — is experiencing a drought, according to the federal government's National Integrated Drought Information System.

In August, Interior Secretary Ryan Zinke and Agriculture Secretary Sonny Perdue promoted increased logging during a California trip as a way to manage fires.

"I've heard the climate change argument back and forth. This has nothing to do with climate change. This has to do with active forest management," Zinke told Sacramento station KCRA at the time.

In an USA Today op-ed that coincided with the trip, Zinke blamed "radical environmentalists" who would "rather see forests and communities burn than see a logger in the woods."

## The Hill

### Trump admin to consider new truck pollution rule

The Trump administration is planning to formally consider major new restrictions on a key pollutant produced by heavy-duty diesel trucks.

The Environmental Protection Agency (EPA) is due to kick off the consideration process this week for a regulation that would further restrict allowable nitrogen oxides (NOx) emissions from big trucks, two sources familiar with the initiative said. Reuters first reported the plans Monday.

The rule would be a rare move by the Trump administration to consider a stringent new regulation. In contrast, the EPA under President Trump has taken dozens of actions intended to roll back or eliminate regulations.

NOx, which is emitted by diesel engines, is one of the main components of ozone. Ozone is a respiratory irritant and is linked to ailments like asthma attacks.

A group of state and local government regulators petitioned the EPA in 2016, under the Obama administration, to restrict allowable NOx emissions from big trucks by 90 percent. The group was led by California's South Coast Air Quality Management District.

The EPA responded to the petition later in 2016, saying it would consider the request. The trucking and truck sales industries told EPA they supported the effort, though did not specifically endorse the petition.

The EPA did not respond to a request for comment Monday.

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